

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2035 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

S A THAKOR

Versus

STATE OF GUJARAT

Appearance:

MR MK VAKHARIA for Petitioners

MR MA BUKHARI, AGP, for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/07/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. This court has protected the petitioners by grant of
interim relief in terms of para-17(B). Para-17(B) of the
special civil application reads as under:

(B) Pending admission and the final hearing of this petition, an interim injunction restraining the respondents, their agents and servants from evicting the petitioners and taking forcible possession of the lands on which the petitioners have built up their houses in the limits of old village Basan which is now included in Gandhinagar Township, may kindly be granted.

#. Prayer has been made by petitioners in the petition for restraining the respondents, their agents and servants from evicting the petitioners and taking forcible possession of the lands on which they have built up their houses in the limits of old village Basan which is now included in the Gandhinagar township.

#. The petitioners have come up with the case that the petitioners No.1 to 6 have been allotted the land admeasuring 80 sq.mts. for the purpose of building their houses in the Gandhinagar township. The cost of this land has also been deposited. So far as other petitioners are concerned, it is the case of petitioners that they are also entitled for allotment of the land and that has not been allotted. In their submission, so long as their claim for allotment of land in Gandhinagar township is not considered they cannot be evicted from the land in dispute.

#. The stay order which has been granted by the court is continuing for all these years. The respondents have not cared to file reply to the special civil application and in the absence of the same, the averments made by petitioners in the special civil application are to be accepted. Though on this ground alone, the petition could have been accepted but looking to the fact that it is a matter where the petitioners are claiming allotment of land there may be more and serious repercussions for grant of such relief to them in the absence of reply to the special civil application. So interest of justice will be met in case this writ petition is disposed of in the terms that for the grievances made by petitioners in this special civil application, they are free to make a detailed representation to the respondent No.1 through the Chief Secretary, Government of Gujarat, New Sachivalaya, Gandhinagar, and in case such a representation is made, the same has to be considered in accordance with law and a final decision thereon to be taken within two months from the date of receipt of writ of this order. Where the claim of petitioners or any of the petitioner is not accepted, then accordingly, they/he

may be informed of the same by registered post A.D. The respondent No.1 has to pass a reasoned order in the matter where the claim of the petitioners or any of the petitioner is not acceptable. Liberty is granted to petitioners or any of the petitioner for revival of this special civil application in case of any difficulty. The special civil application and Rule stand disposed of accordingly with no order as to costs.

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(sunil)